



1111 19th Street NW > Suite 402 > Washington, DC 20036  
t 202.872.5955 f 202.872.9354 www.aham.org

## Electronically Submitted

November 10, 2022

Chris Corcoran  
Energy Research and Development Agency  
17 Columbia Circle  
Albany, NY 12203-6399  
appliancestandards@nyserda.ny.gov

Dear Mr. Corcoran:

The Association of Home Appliance Manufacturers (AHAM) writes to comment on the Proposed Rulemaking: Appliance and Equipment Efficiency Standards; I.D. No. ERD-37-22-00009-PR.

AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion. In New York, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to New York is \$6.8 billion, more than 16,900 direct jobs and an additional 22,520 indirect jobs, \$1.1 billion in state tax revenue and more than \$2.6 billion in wages. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

With respect to the inclusion of "air purifiers" or consumer room air cleaner,<sup>1</sup> in the appliance regulations, on July 15, 2022, the Department of Energy (DOE) announced a determination that air cleaners qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), effective September 13, 2022. Once DOE adopts a final rule, air cleaners would be pre-empted from state laws and regulations regarding minimum energy standards. Energy efficiency advocates and AHAM have worked for the past year towards an agreement on a national minimum energy standard for room air cleaners. That negotiated agreement and DOE's recent rulemaking activities are a win-win for a national marketplace and

---

<sup>1</sup> In the "Energy Conservation Program: Final Determination of Air Cleaners as a Covered Consumer Product" the US Department of Energy uses the term "consumer room air cleaner," which is also known as an "air purifier." <https://www.federalregister.gov/documents/2022/07/15/2022-13655/energy-conservation-program-final-determination-of-air-cleaners-as-a-covered-consumer-product>

energy savings. Our coalition is unified in support of implementing this agreement on a national minimum energy standard either through a DOE regulatory process or legislatively through Congress. Also, as part of this agreement, we are supporting a new national EnergyGuide label for air cleaners.

With the ongoing work on federal regulations and the potential for Congress to act sooner, AHAM respectfully requests enforcement discretion for room air cleaners and we propose the inclusion of the following:

“Recognizing the benefits and efficiency of uniform federal regulation, and the good faith, proactive efforts being made by industry and efficiency advocacy groups to obtain a federal minimum energy standard and label, the department will exercise its enforcement discretion and not penalize companies for not complying with XXXX. If Congress does not pass legislation adopting a uniform federal requirement or the Department of Energy does not issue a final rule by December 31, 2023, then the enforcement discretion will be reassessed.”

Enforcement discretion for air cleaners would provide New York consumers and businesses and product manufacturers with the confidence that products are available and meet efficiency standards.

The law (S9405) and subsequent rulemaking seeks to align New York’s requirements with those in states that have passed similar laws. AHAM appreciates NYSERDA proposing energy efficiency levels consistent with those states. However, current state laws require products to comply with less stringent energy standards than ENERGY STAR 2.0, but without a labeling method to certify product compliance. These laws also require compliance based on date of sale rather than date of manufacturing or date of production, which is how compliance is determined at DOE and in California. These two factors alone make compliance and enforcement nearly impossible.

Also, regarding the proposed rule including UL 867 Ed. 4.0 and IEC 62301 Ed. 1.0 for the “Test Method for Air Cleaners,” AHAM was pleased to provide NYSERDA a copy of AC-1-2020 for publication as part of this Rulemaking. The Energy Test Method for Room Air Cleaners in AC-1-2020 includes references to the latest version of UL 867, which is Ed. 5.0 and through the ENERGY STAR reference calls out IEC 62301 Ed. 2.0. NYSERDA should make these updates to their test procedure section.

Demand for room air cleaners, which are a critical tool in the fight against COVID-19, wildfire smoke, asthma, allergies, and other health conditions and risks exasperated by indoor air pollutions, has been unprecedented. Severe supply chain disruptions have created significant challenges for air cleaner manufacturers’ ability to provide these products, which are critical to consumer health. In addition to supply chain and inflationary pressures that New York businesses currently face, with no enforcement discretion, New York businesses, both large and small, may have non-compliant product on the shelves that they are unable to sell and bear the expense at unknown levels of costs to try to comply and with little guarantees that their efforts will not still make them vulnerable to state enforcement actions.

AHAM appreciates the opportunity to comment on the appliance regulations. We remain committed to work with energy efficiency advocates and federal and state regulators to advance the goal of a nationwide standard for room air cleaner. Thank you for consideration of these comments and AHAM's request for enforcement discretion. We are committed and willing to work with NYSERDA to address this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cassady', with a stylized, cursive script.

Jacob Cassady  
Director, Government Relations